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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,010	11/09/1998	TATSUYUKI TOKUNAGA	1232-4478	5014
7590	06/15/2004		EXAMINER	YE, LIN
MICHAEL M. MURRAY MORGAN & FINNEGAN 345 PARK AVENUE NEW YORK, NY 10154			ART UNIT	PAPER NUMBER
			2612	14

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/189,010	TOKUNAGA, TATSUYUKI
	Examiner Lin Ye	Art Unit 2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-58 is/are pending in the application.
  - 4a) Of the above claim(s) 4,5,15-17 and 23-58 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3,6-14 and 18-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments filed 4/7/04 have been fully considered but they are not persuasive as to claims 1-3, 6-14, 18-20 and 22.

For amended claims 1 and 12, the applicant argues that the both of Iwaski and Hirt references fail to disclose, teach, or suggest memories each of which stores control information for controlling a photoelectric conversion element, structure for **rewriting** the control information, and program memory for **rewriting** the control information. The examiner disagrees. The Iwaski reference discloses a plurality of storage means (first accumulation control part 16 and second accumulation control part 17), each for storing predetermined control information for controlling corresponding a photoelectric conversion element. The Hirt reference discloses in Figure 1, a single integrated chip (10) formed a CMOS process on a single chip having an image sensor array (12), a flash programmable memory (14) that has portions (reference numeral 24) for storing compensation and configuration values (control information). The portions of memory (14) can be **rewritten** (reprogrammed, see Col. 5, lines 39 and Col6, lines 9-13) towards particular applications. For example, if the integrated circuit is intended for use within a video camera, then certain control information useful in such an application are stored within the memory (14). On the other hand, if the integrated circuit is intended for use within a medical imaging device then alternative control information values are stored (See Col. 6, lines 1-13). The Hirt reference is evidence that one of ordinary skill in the art at the

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time to see more advantages the storage means includes rewritable (reprogrammable) memory of control information for controlling an operation of the photoelectric conversion is rewritable by a predetermined program stored in a program memory so that a wide range of control information can be programmed to facilitate a wide range of applications (See Col. 6, lines 9-10).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
3. Claims 1-3, 6-14, 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki U.S. Patent 5,497,215 in view of Hirt et al. U.S. Patent 5,883,830.

Referring to claim 1, the Iwasaki reference discloses in Figure 2, a photoelectric conversion device comprising: photoelectric conversion means (photometry part 10) including a plurality of photoelectric conversion elements (For example, photometry areas 10a and 10b) which is constructed by a plurality of pixels on a semiconductor substrate (See Col. 3, lines 15-24); and a plurality of storage means (first accumulation control part 16 and second accumulation control part 17), each for storing predetermined control information for controlling corresponding photoelectric conversion element (See Col. 3, lines 40-48). However, the Iwasaki reference does

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not explicitly states the plurality of storage means and photoelectric conversion means are formed on the same semiconductor substrate (single chip); and the storage means includes a rewritable memory for control information.

The Hirt reference discloses in Figure 1, an single integrated chip (10) formed from a CMOS process on a single chip having an image sensor array (12), a flash programmable memory (14), a CPU (controller unit 16) and a interface circuit (A/D) including in the controller unit (See Col 4, lines 11-30 and Col. 5, lines 35-46). The flash programmable memory (14) has portions (reference numeral 24) for storing compensation and configuration values (control information). The portions of memory (14) can be **rewritten** (reprogrammed, see Col. 5, lines 39) towards particular applications. For example, if the integrated circuit is intended for use within a video camera, then certain control information useful in such an application are stored within the memory (14). On the other hand, if the integrated circuit is intended for use within a medical imaging device then alternative control information values are stored (See Col. 6, lines 1-13). The Hirt reference is an evidence that one of ordinary skill in the art at the time to see more advantages for integrating sensor, CPU and memory into a single chip, because it will significantly reduce the device size and making the device more portable; the storage means includes rewritable (reprogrammable) memory of control information for controlling an operation of the photoelectric conversion is rewritable by a predetermined program stored in a program memory so that a wide range of control information can be programmed to facilitate a wide range of applications (See Col. 6, lines 9-10) . For that reason, it would have been obvious to see said the plurality of storage means and photoelectric

conversion means are formed on the same semiconductor substrate and the storage means includes a rewritable memory for control information disclosed by Iwasaki.

Referring to claim 2, the Iwasaki reference discloses control means for controlling charge accumulation of said photoelectric conversion means (10a and 10b) on the basis of control information stored in said storage means (16 and 17) (See Col. 3, lines 50-55).

Referring to claim 3, the Iwasaki reference discloses wherein said photoelectric conversion means further includes monitor (brightness calculator 12) means for monitoring an accumulated charge state in said photoelectric conversion element, and said control means includes selection means for selecting an arbitrary one of a plurality of pieces of status information (such as date and time and sets an initial accumulation time) on the basis of the control information stored in said storage means (16 and 17), and comparison means for comparing an output from said monitor means with the status information selected by said selection means, and controls the charge accumulation of said photoelectric conversion means on the basis of comparison result of said comparison means as shown in Figures 10-12.

Referring to claim 6, the Iwasaki reference discloses a plurality of photoelectric conversion means equivalent to said photoelectric conversion means (10a and 10b).

Referring to claim 7, the Iwasaki reference discloses wherein said monitor means monitors and outputs information based on a maximum accumulated charge amount of said photoelectric conversion element as shown in Figure 12 (See Col. 47-49).

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Referring to claim 8, the Iwasaki reference discloses wherein said control means stores the status information selected by said selection means in said storage means as the control information as shown in Figure 11.

Referring to claim 9, the Iwasaki and Hirt references disclose all subject matter as discussed with respect to same comment as with claim 1.

Referring to claim 10, the Iwasaki reference discloses wherein said control means includes determination means for determining predetermined information ion the basis of said output from said monitor means, and stores the information determined by said determination means in said storage means as the control information as shown in Figure 10.

Referring to claim 11, the Iwasaki and Hirt references disclose all subject matter as discussed with respect to same comment as with claim 10.

Referring to claim 12, the Iwasaki and Hirt references disclose all subject matter as discussed with respect to same comment as with claim 1.

Referring to claim 13, the Iwasaki and Hirt references disclose all subject matter as discussed with respect to same comment as with claim 3.

Referring to claim 14, the Iwasaki and Hirt references disclose all subject matter as discussed with respect to same comment as with claims 6 and 9.

Referring to claim 18, the Iwasaki and Hirt references disclose all subject matter as discussed with respect to same comment as with claim 7.

Referring to claim 19, the Iwasaki and Hirt references disclose all subject matter as discussed with respect to same comment as with claim 8.

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Referring to claim 20, the Iwasaki and Hirt references disclose all subject matter as discussed with respect to same comment as with claim 10.

Referring to claim 22, the Iwasaki discloses the photometry system which computer-readably stores the processing steps of a control method as shown in Figure 10.

4. Claim 21 rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasaki U.S. Patent 5,497,215 in view of Hirt et al. U.S. Patent 5,883,830 and Akashi et al. U.S. Patent 5,615,399.

Referring to claim 21, the Iwasaki and Hirt references disclose all subject matter as discussed in respected claim 1, except the references do not explicitly states a focus detection device including the photoelectric conversion device.

The Akashi reference disclose in Figure 1, the focus detecting apparatus including a photoelectric conversion device (area sensor 201). The Akashi reference is an evidence that one of ordinary skill in the art at the time to see more advantages for a focus detecting apparatus using an area sensor as an AF sensor, because the focus detecting device can be capable of accomplishing focus detection automatically and accurately. For that reason, it would have been obvious to see said the focus detection device including the photoelectric conversion device disclosed by Iwasaki.

### *Conclusion*

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lin Ye** whose telephone number is **(703) 305-3250**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy R Garber** can be reached on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, DC. 20231

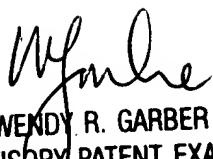
Or faxed to:

(703) 872-9306

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is **(703) 306-0377**.

Lin Ye  
June 7, 2004

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600